THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.30996 of 1998

Dated:18.07.2007

Between
The Depot Manager,
APSRTC, Hyderabad-II Depot,
Dilsukhnagar, Hyderabad.

.....Petitioner

and

M.Lakshma Reddy and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.30996 of 1998

ORDER:

This writ petition is directed against an award dated 1.7.1998 made in I.D.No.69 of 1994 on the file of Labour Court-I, Hyderabad.

The petitioner is the Management. Respondent No.1 is the workman. It appears that when

1st respondent-workman was driving a special bus on 31.5.1993, it dashed against a stationed lorry on its back side, due to which, one passenger died on the spot and eight passengers received grievous injuries and the bus was also damaged. After conducting a

detailed enquiry into the charges leveled against 1st respondent-workman, he was removed from service. Aggrieved by the same,

1st respondent-workman raised an industrial dispute being I.D. No. 69 of 1994 before the Labour Court-I, Hyderabad.

Before the Labour Court, the petitioner-Management filed a detailed counter denying the allegations made by 1st respondent-workman stating that a fair opportunity was given to the workman and findings recorded by the Enquiry Officer are based on cogent evidence placed before it. Therefore, no interference is called for.

Before the Labour Court, 1st Respondent was examined as WW1 and Ex.W1 was marked. On behalf of the petitioner-Management, MWs 1 and 2 were examined

and Exs.M1 to M10 were marked.

After a detailed consideration of both oral and documentary evidence, the Labour Court, having found that the accident had not taken place due to rashness on the part of 1st respondent and the charges framed against him are not proved, held that the dismissal from service of the workman was unwarranted, and that even assuming that the charges are proved the removal from service is shockingly disproportionate to that of the misconduct alleged against him and thus partly allowed the said ID directing the petitioner-Management to reinstate 1st respondent-workman with continuity of service, attendant benefits, however with 25% of back wages. Aggrieved by the same, the present writ petition has been filed.

There is no necessity to go into all the

details. It is an admitted fact that 1st respondent while driving the bus dashed against a stationary lorry from back side. But somehow, the Labour Court believed the story of

1st respondent that a lorry was coming in the opposite direction at the place of accident with blinding lights and at that time the bus head lights went off and though he took precautions he could not see the stationary lorry. This is most absurd statement, which is accepted by the Labour Court while exercising its discretionary powers vested under Section 11-A of the Industrial Disputes Act, 1947, and directed reinstatement of the petitioner with 25% of the back wages. In the facts and circumstances of the case, I am of the opinion that 1st respondent-workman does not deserve any back wages to be awarded. Therefore, the

award is modified to the extent that 1st respondent-workman is entitled for reinstatement with continuity of service but without any attendant benefits and back wages.

With the above modification, the writ petition is disposed of. No costs.

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18-07-2007

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